



U.S. Department of Justice

Michael J. Sullivan

United States Attorney

District of Massachusetts

Main Reception: (508) 368-0100
Facsimile: (508) 756-7120

Federal Building & Courthouse
595 Main Street, Suite 206
Worcester, Massachusetts 01608

May 15, 2006

BY FACSIMILE TO 617 223-8080

J. Martin Richey, Esq.
Office of the Federal Defender
408 Atlantic Avenue
Third Floor
Boston, Massachusetts 02110

Re: Execution of Sentenced Prisoner Brian Vallee
Criminal Docket No. 04-40026-FDS

Dear Mr. Richey:

On Friday, May 12, 2006, the Bureau of Prisons Designation and Sentence Computation Center ("BOP") advised the undersigned Assistant U.S. Attorney of its inability to execute sentencing in the above-referenced case in accordance with the Judgment. The Court sentenced Vallee on January 19, 2006 to 12 months' detention, 9 of which were to be served in prison, to be followed by 3 months of Community Confinement.

According to BOP, 28 C.F.R. 570.21 (a copy of which is annexed to this letter) limits the maximum period of a community confinement component of a sentence to 10%. The Regulation mirrors 18 U.S.C. 3624(c). In Vallee's case, he would be eligible for approximately one month of Community Confinement. BOP treats a statement about Community Confinement placement in a Judgment as a recommendation.

BOP did advise us that as Vallee's sentence was within Zone C, the Court could achieve the original result by imposing a 9-month term of incarceration, and ordered that defendant

May 15, 2006

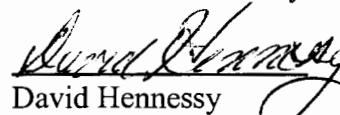
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served 3 months of Community Confinement as a condition of Supervised Release.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:


David Hennessy
Assistant U.S. Attorney

cc: Martin Castles (w/encl.)
Clerk to the Honorable F. Dennis Saylor, IV

28 CFR S 570.21
28 C.F.R. § 570.21

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Effective: [See Text Amendments]

CODE OF FEDERAL REGULATIONS
TITLE 28--JUDICIAL ADMINISTRATION
CHAPTER V--BUREAU OF PRISONS,
DEPARTMENT OF JUSTICE
SUBCHAPTER D--COMMUNITY PROGRAMS
AND RELEASE
PART 570--COMMUNITY PROGRAMS
SUBPART B--COMMUNITY CONFINEMENT
§ 570.21 When will the Bureau designate inmates to
community confinement?

<For statute(s) affecting validity, see: 5 USCA §
301; 18 USCA §§
571, 3621, 3622, 3624, 4001, 4042, 4081, 4082
(Repealed in
part as to offenses committed on or after November
1, 1987); 18 USCA §§
4161-4166, 5006-5024 (Repealed October 12, 1984,
as to offenses
committed after that date), 18 USCA § 5039; 28
USCA §§ 509, 510.>

(a) The Bureau will designate inmates to community
confinement only as part of pre-release custody and
programming, during the last ten percent of the
prison sentence being served, not to exceed six
months.

(b) We may exceed these time-frames only when
specific Bureau programs allow greater periods of
community confinement, as provided by separate
statutory authority (for example, residential
substance abuse treatment program (18 U.S.C.
3621(e)(2)(A)), or shock incarceration program (18
U.S.C. 4046(c)).

<General Materials (GM) - References,
Annotations, or Tables>

28 C. F. R. § 570.21, 28 CFR § 570.21

Current through May 4, 2006; 71 FR 26266

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